

PROBATE CALENDAR NOTES

July 10, 2020

8:30 AM, Department 40

Placer County Superior Court

All current local court COVID-19 information is at <http://www.placer.courts.ca.gov/general-covid-19.shtml>. In particular, please note:

Local Rule 10.28, "Remote Appearances—COVID-19 State of Emergency Temporary Rule," enacted April 6, 2020, requires remote telephone appearances for most court hearings. See Local Rule 10.28 for more details.

Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties.


These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **July 10, 2020, 8:30 AM, in Department 40**, Commissioner Glenn M. Holley, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

1. S-PR-0008487 Wolfgram Liv Trust; In re the

Missing trustee account as previously ordered.

If there are no appearances or additional filings, it is recommended this matter be dropped from calendar.

 As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

2. S-PR-0009396 Lein, Florence Louise; In re the estate of

Appearance is required for continued estate status hearing.

Current status report is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

3. S-PR-0009596 Lynda Case Trust - In Re Matter of

The reserved hearing for a motion for reconsideration is dropped as no moving papers were filed.

4. S-PR-0009644 Samaya Young-Beecham Spec Needs Trust; In re the

Appearance is required for hearing on special needs trust account.

Missing notice of hearing and service of notice of hearing. The court previously declined to accept the notice and proposed orders for filing under Local Rule 10.27(G).

Missing counsel's verified request for attorney fees.

New bond calculation is needed: bond calculation includes income estimate that does not adequately account for current monthly rent received by the trust and does not appear to apply C.R.C. 7.207(b)(2). Revised bond should be fixed after questions about adequacy of rent payments are considered by the court.

It is recommended the court reappoint Therese Adams as guardian ad litem for minor beneficiary, with a request that Adams examine the account and report as to whether expenditures for vacations / travel, home furnishings, and gifts are reasonable, and whether the rent amount paid by beneficiary's parents is a reasonable fair-market rental amount. Continuance is likely needed to permit GAL to review the account.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

5. S-PR-0009704 Lee, David George - In Re the Estate of

Missing waiver of account by trust beneficiary Morgan Lee.

If there are no appearances or additional filings, it is recommended this matter be dropped from calendar.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

6. S-PR-0009765 Haskens Irrev Trust; In re the

Petition to modify irrevocable trust

Appearance is required for continued hearing on petition to modify irrevocable trust.

Motion for summary judgment

Appearance is required for continued hearing on motion for summary judgment.

Motion for leave to amend petition

Appearance is required for hearing on motion for leave to amend petition.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

7. S-PR-0009878 Dallas, Jeffrey Scott-In Re the Estate of

Clarification is needed: the estate has no cash assets. Petitioner should show how personal representative compensation, attorney compensation, and the proposed reserve are to be paid and held where there is no cash in the estate.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

8. S-PR-0009900 Oppenheim, Maurice - In re the Estate of

Petitioner requests the petition for final distribution be continued to July 24, 2020, 8:30 a.m., in Department 40, to be heard with a related trust proceeding.

9. S-PR-0009912 Marozine, Jeffery S.-In re the Estate of

Clarification is needed: partial approval of AscensionPoint and Loan Me creditor claims was served April 15; the 90-day period for creditors to bring an action on the rejected portion of each claim has not expired. Satisfaction, withdrawal, or other evidence of resolution of each claim is needed to proceed before the expiration of the 90-day period.

Fee calculations omit \$8,500 loss on sale. Prob.C. § 10800(b); C.R.C. 7.705. New fee calculation is needed.

Clarification is needed: "MSA Reimbursement" of \$10,772.82 is listed both as a simultaneous receipt and a disbursement on the account. More information is needed

about these accounting entries.

Clarification is needed: fee calculations include \$10,772.82 MSA Reimbursement as a receipt. However, a simultaneous accounting entry for the same amount as a disbursement makes unclear whether the entry should be treated as a receipt for purposes of calculating statutory fees. Additional information is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

10. S-PR-0009928 Kerecman, Mary Rosan - In re the Estate of

Appearance is required for continued hearing on petition to administer estate.

Petitioner should show why this matter should not be dropped. Despite counsel appearing at three prior hearings, nothing new has been filed since October 2019 and no calendar notes have been resolved.

Missing notice of hearing. Missing service of notice of hearing. Missing publication of notice of hearing.

Missing original will, Prob.C. § 8200(a). Will is not self-proving: witnesses did not execute any declaration or affidavit. Missing proof of will.

Note: missing signed duties form (DE-147). Clerk cannot issue letters until signed duties form is filed, C.R.C. 7.150.

It is recommended this matter be dropped from calendar.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

11. S-PR-0010048 Dian W Hall Fam Trust; In re the

Petition for instructions – further status hearing

Appearance is required for further status hearing on petition for instructions. Current status is needed.

Cross-petition for partition, imposition of constructive trust, and for other relief – further status hearing

Appearance is required for further status hearing on cross-petition for partition, imposition of constructive trust, and for other relief.

Current status is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

12. S-PR-0010121 Angela Marie Lopes Trust - In re the

It is recommended this matter be continued for filing of the amended petition petitioner unsuccessfully attempted to file on or before June 15, 2020.

13. S-PR-0010129 Crampton, Scott - In Re Conservatorship of

Appearance is required for hearing on petition for appointment of conservator of the person and estate.

Missing direct service to respondent's grandchildren who are age 12 or older. Direct service is required, C.R.C. 7.51. Service is not excused under § 1460.1 for any persons age 12 or older.

Clarification is needed concerning bond / blocked account, including whether the estate appears to qualify for small estate treatment under Prob.C. §§ 2323(a) & 2628(a).

Clarification is needed: the petition requests powers under ¶ 1d, but Attachment 1d was not included.

Clarification is needed: medical decisional authority is not requested (¶ 1g) but grounds for medical decisional powers are alleged (¶ 9).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

Note: this matter was rescheduled by the court on the Probate calendar in error. Any further continuance should be to the Conservatorship calendar.

14. S-PR-0010130 Betty Tompkins 2004 Trust; In re the

Missing notice of hearing on petition to determine invalidity of trust restatement. Missing service of notice of hearing. Note: list of persons entitled to notice (¶ 67 of the petition) does not include Douglas Starkey, allegedly a beneficiary under the valid 2009 restatement.

Missing response(s) by any interested persons.

15. S-PR-0010137 Megan O'Brien 2011 Irrev Trust; In re the

Appearance is required for continued hearing on petition to terminate irrevocable trust.

Court determination needed: good cause is required to grant the petition as the subject trust appears to include a valid restraint on transfer (see trust at Art. VIII, § B), Prob.C. § 15403. Court to determine whether good cause has been shown.

Missing appointment of guardian ad litem for Liam Brooks and Camille Brooks. Prob.C. § 15405.

Alternative grounds (§ 15408(b)) are a trustee discretionary power. To obtain court approval or instruction concerning a discretionary power, a petition under § 17200 is likely required, with notice to a guardian ad litem for Liam Brooks and Camille Brooks.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

16. S-PR-0010138 Megan O'Brien 2503(c) Irrev Trust; In re the

Appearance is required for continued hearing on petition to terminate irrevocable trust.

Court determination needed: good cause is required to grant the petition as the subject trust appears to include a valid restraint on transfer (see trust at § 4.11), Prob.C. § 15403. Court to determine whether good cause has been shown.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

17. S-PR-0010142 Riesco, Mario ; In re the Matter of

Appearance is required for continued hearing on petition to compel third party to honor power of attorney.

Missing 15 days' personal service of notice of hearing with the copy of the petition to respondent Transamerica. Prob.C. § 4544(b). Notice of hearing is to be served in the same *manner* as a summons, but a summons may not be used as it does not provide "notice of the time and place of the hearing." *Id.*

Missing additional declaration of counsel. See minutes from previous hearing (June 19).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

18. S-PR-0010152 Steuer, David - In Re the Conservatorship of

Appearance is required for hearing on petition for appointment of joint limited conservators of the person.

Missing appearance and / or report by counsel for respondent.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's

office for information.

Note: this matter was rescheduled by the court on the Probate calendar in error. Any further continuance should be to the Conservatorship calendar.

19. S-PR-0010153 Mary T Stanley Restated Dec of Trust; In re the

Appearance is required for hearing on petition to compel trustee to obtain independent trust account and for other relief.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

20. S-PR-0010155 Sadek, Zakie - In Re the Estate Of

Missing proof of publication of notice of hearing for petition for letters of special administration. Where IAEA powers are requested, publication is required. Prob.C. §§ 10405, 8545(a) & 8003.

Missing required allegation of testacy or intestacy (¶ 3f).

Missing required allegations at ¶ 5a(3)-(4) (RDP).

21. S-PR-0010160 Smith, Jean L. ; In re the Estate of

Real property succession petition is recommended for approval as prayed.

22. S-PR-0010176 Mehl, Robert Albert-In re the Estate of

Clarification is needed: notices filed March 18 and May 15 make no reference to the amended petition (see C.R.C. 7.50), and both indicate that "a copy of the petition . . . referred to in the notice" was served. Additional information concerning service is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

23. S-PR-0010177 Paul C. Vaughan Liv Trust; In re the

Petition to determine trust property is recommended for approval in part. Petition is recommended for approval as to identified bank accounts and vehicles. It is recommended the petition be denied as to "all other accounts of a similar nature that are now unknown." That language is insufficiently vague and ambiguous and does not support a determination that said unknown accounts are trust property.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

24. S-PR-0010189 Thies, Elliott ; In re the Conservatorship of

Appearance is required for hearing on petition for appointment of joint limited conservators of the person.

Missing appearance and / or report by counsel for respondent.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

Note: this matter was rescheduled by the court on the Probate calendar in error. Any further continuance should be to the Conservatorship calendar.

25. S-PR-0010191 Godager, Laurie Jean; In re the Estate of

Missing correct notice form for petition to administer estate. Use of mandatory form DE-121 is required. Missing service of sufficient notice of hearing.

Missing relationship of proposed administrator to decedent, ¶ 3g(2)(c).

Missing required allegations at ¶ 5a(3)-(4) (RDP) and (5)-(6) (child(ren)).

Clarification is needed: petitioner alleges ¶ 6f, indicating decedent was survived by no spouse, issue, parent, issue of parent, grandparent, issue of grandparent, or issue of predeceased spouse. However, copy of death certificate attached to the petition suggests that Christie Young is a surviving sibling of decedent (issue of parents of decedent). Missing relationship(s) of persons listed in ¶ 8 to decedent.

Missing waiver(s) of bond by heir(s). Use of form DE-111(A-3e) is required for each waiver of bond.

26. S-PR-0010192 Christine Parr Living Trust - In Re Matter of

Court determination is needed as to the sufficiency of notice. Notice of hearing filed April 21 shows notice to Lanae Helm, Nicole Mackenzie, Miles Makenzie and "Came" (apparently Cameron Mackenzie) by joint delivery and possibly in-care-of delivery (see petition, ¶ IV). Direct, individual notice appears to be required. C.R.C. 7.51(a) & (d); Prob.C. § 1460.1 does not apply to trust petitions.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

27. S-PR-0010201 Dillard, Johnnie; In re the matter of

Appearance is required for hearing on power-of-attorney petition.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

28. S-PR-0010208 Anderson, JoEllen; In re the Estate of

Petition to administer estate is recommended for approval as prayed.

29. S-PR-0010209 Surinder K Singh Liv Trust; In re the

Appearance is required for hearing on petition to suspend and remove trustee, compel trustee account, and for other relief.

Response from co-trustee Puneet Singh is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.